IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

In the Matter of the Marriage of:

RAYNE ELIZABETH O'DONNELL-LAMONT (deceased)	) Case No. C98-1284
Petitioner,	) DR SUPPLEMENTAL JUDGMENT; MONEY JUDGMENT
and	
MICHAEL DAVID LAMONT, JR.	
Respondent and	
CHRISTINE AND PATRICK O'DONNELL,	
Intervenors,	
and	
DARRELL MILLER,	
Intervenor.	

THIS MATTER is before the court on Intervenors, Christine and Patrick O'Donnell's (Grandparents), Motion for Attorney Fees against Respondent, Michael David Lamont, Jr. (Father). Grandparents are represented by William C. Abendroth and Gevurtz, Menashe, Larson &

Howe, P.C. Father is represented by Matthew H. Kehoe and Moore & Kehoe, LLP. Intervenor, Darrell Miller, is represented by Jeffrey Renshaw and Yates, Matthew & Morasch, PC. Father did not submit a request for attorney fees, and neither party is seeking a request of fees against intervenor, Darrell Miller. The court, after reviewing the motions, pleadings, and taking oral arguments on February 13, 2001, the court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. A judgment on the merits of this case was signed on December 15, 2000. That judgment provided for Grandparents to file a request for attorney fees against Respondent, under the provisions ORCP 68.
2. Grandparents filed a request for attorney fees and Respondent filed objections. Grandparents cured any procedural defects in their initial petition in a supplemental memorandum.
3. The hourly rates and hours expended by Grandparents' attorneys were reasonable. Grandparents' memorandum involved a great deal of original work, and therefore took more time to produce.
4. In this case, there was a substantial presumption against an award of attorney fees to Grandparents. Both parties had a legitimate interest in parenting the children, the constitutionality of the Grandparents' parenting time statute was an unsettled question, and an award of attorney fees might deter others from arguing the constitutionality of similar statutes and from seeking custody of children whom they have a legitimate interest in parenting.
5. Father's dishonesty leading up to and during the trial, as well as Father's argumentative trial presentation,

are the only relevant factors that justify an award of fee. Father's actions caused the Grandparents' attorneys and the court to expend time unnecessarily.

6. The child custody study by Dr. Vien was useful to the court, because it showed the court that Father was dishonest both with Dr. Vien and the court.
7. In earlier attorney fee judgments in this case, Father actively pursued a judgment against Grandparents and thwarted Grandparents' judgment against him.

BASED ON the above findings of fact, the court hereby ORDERS as follows:

1. Attorney Fees. Grandparents shall be awarded a judgment in the amount of $6,000 for attorney fees payable on March 29, 2001. This judgment shall accrue interest at the rate of 9% per annum on any unpaid balance.
2. Costs. Grandparents shall be awarded a judgment in the amount of $2,875, due and payable on March 29, 2001. This judgment shall accrue interest at the rate of 9% per annum on any unpaid balance.

MONEY JUDGMENT PURSUANT TO ORCP 7D(A)
includes Child Support Judgments

1. Judgment Creditor: Christine and Patrick O'Donnell
2. Creditor's Attorney and Address:

Craig M. Cowley, OSB# 85036
Gevurtz, Menashe, Larson & Howe, PC
13635 NW Cornell Rd., Suite 200
Portland, OR 97229

3. Judgment Debtor: Michael David Lamont, Jr.
4. Debtor's Attorney and Address:

Matthew H. Kehoe, OSB# 90310
Moore & Kehoe, LLP
330 NE Lincoln Ste. 200
Hillsboro, OR 97124

5. Judgment Amount:

A. Attorney fees:

1. Amount: $6,000
2. Due and payable: March 29, 2001
3. Other: None

B. Costs:

1. Amount: $2,875
2. Due and payable: March 29, 2001
3. Other: None

6. Prejudgment Interest: None

7. Judgment Interest:

A. Nine percent (9%) per annum simple on any unpaid balance.

DATED this 17 May, 2001

/s/ Steven L. Price
Circuit Court Judge

Submitted by:
Gevurtz, Menashe, Larson & Howe, PC

/s/William C. Abendroth, OSB # 90190
Attorney for Grandparents/Intervenors